



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107



SEMS DocID

2246706

Susan Casper
ORIGINAL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 19 1989

James J. Patton, Jr., Esquire
Young, Conaway, Stargatt & Taylor
11th Floor - Rodney Square North
P.O. Box 391
Wilmington, Delaware 19899-0391

Re: Metro Container Corporation Site
Trainer, Pennsylvania

Dear Mr. Patton:

Enclosed you will find two letters addressed to your clients, Lewis Maslow and Sidney Levy, regarding any future recycling operations at the Metro Container Corporation Superfund Site ("the Site") in Trainer, Pennsylvania. As counsel to Messrs. Maslow and Levy, I am requesting that you forward these letters to them via Certified Mail (the appropriate Certified Mail cards are attached to each letter). I am also requesting that you complete the information requested at the bottom of this letter and return the original signed copy to me.

Thank you in advance for your cooperation in this request. Do not hesitate to call me (215/507-8905) should you have any question concerning this matter.

Sincerely yours,

Diane Ajl

Diane Ajl
Assistant Regional Counsel

Encl.

cc (w/ encl.): Patricia Casano, Esquire
U.S. Department of Justice

"On this _____ day of December, 1989, I sent the enclosed letters Certified Mail, Return Receipt Requested, from Karen Wolper, EPA to Lewis Maslow and Sidney Levy."

JAMES J. PATTON, JR.

P 770 580 197

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	James J. Patton, Esq.
Street and No.	Young, Conway, Stargatt & Taylor
P.O., State and ZIP Code	11th Fl. - Rodney Sq. North
Postage	P.O. Box 391 S
Certified Fee	Wilmington, DE 19899-0391
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	S
Postmark or Date	12-19-89
	Metro-Container
	Susan Hodges

PS Form 3800, June 1985

Fold at line over top of envelope to the right
of the return address

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

ORIGINAL

DEC 19 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lewis Maslow
1001 City Avenue - Greenhill W-414
Philadelphia, PA 19151

Re: Metro Container Corporation Site
Trainer, Pennsylvania

Dear Mr. Maslow:

As you may be aware, BP Oil Company, Arco Chemical Company, Mobil Oil Company, Sun Refining and Marketing Company, and E. I. du Pont de Nemours & Company, all potentially responsible parties ("PRPs") for response costs at the Metro Container Superfund Site ("the Site") are completing removal work at the Site pursuant to an administrative consent order negotiated with the U.S. Environmental Protection Agency ("EPA"). By this letter I am informing you that any future recycling operations conducted at the Metro Container Site must be conducted in full compliance with all applicable State and Federal regulations governing the management of hazardous substances and hazardous wastes. If you decide to resume business operations at the Site prior to, or after, the completion of the CERCLA removal action, you will be potentially liable for any release that results from handling hazardous substances and hazardous wastes at the site.

EPA as well as the Pennsylvania Department of Environmental Resources have an interest in ensuring that future activities at the Metro Container Superfund Site not disturb the removal work implemented by the PRPs and more over, that any such activities be conducted in a manner that is protective of the public health, welfare and environment.

An owner or operator of a site who fails to comply with all applicable Federal, State and local statutes, regulations and ordinances when conducting business is liable for any violations. In the event your actions cause an actual or threatened release of a hazardous substance from the facility, you will be subject to action pursuant to Section 106(a) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), and any other applicable authority.

ORIGINAL

If you have questions about resuming operations, I can be reached at 597-8751.

Sincerely,



Karen M. Wolper, Chief
Enforcement and Title III Section
Superfund Removal Branch

cc: Patricia Casano, Esquire
Carl Everett, Esquire
James Patton, Esquire

P 770 580 199

RECEIPT FOR CERTIFIED MAIL

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(See Reverse)

Sent to *MR. Lewis Maslow*
1001 City Avenue

Street and No.

Greenhill W-414

P.O., State and ZIP Code

Phila., PA 19151

Postage

S

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date Delivered

Return Receipt showing to whom,
Date, and Address of Delivery

TOTAL Postage and Fees

S

Postmark or Date

12-19-89

Metro-Container

Susan Hodges

PS Form 3800, June 1985

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

ORIGINAL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 19 1989

Mr. Sidney Levy
Metro Container Corporation
2nd and Price Streets
Trainer, PA 19103

Re: Metro Container Corporation Site
Trainer, Pennsylvania

Dear Mr. Levy:

As you may be aware, BP Oil Company, Arco Chemical Company, Mobil Oil Company, Sun Refining and Marketing Company, and E. I. du Pont de Nemours & Company, all potentially responsible parties ("PRPs") for response costs at the Metro Container Superfund Site ("the Site") are completing removal work at the Site pursuant to an administrative consent order negotiated with the U.S. Environmental Protection Agency ("EPA"). By this letter I am informing you that any future recycling operations conducted at the Metro Container Site must be conducted in full compliance with all applicable State and Federal regulations governing the management of hazardous substances and hazardous wastes. If you decide to resume business operations at the Site prior to, or after, the completion of the CERCLA removal action, you will be potentially liable for any release that results from handling hazardous substances and hazardous wastes at the site.

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Sincerely,



Karen M. Wolper, Chief
Enforcement and Title III Section
Superfund Removal Branch

cc: Patricia Casano, Esquire
Carl Everett, Esquire
James Patton, Esquire

P 770 580 198

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to *Sidney Levy*
Metro Container Corp.

Street and No. *2nd + Price Streets*

P.O. State and ZIP Code
Greener, PA 19103

Postage	\$
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Certified Fee	
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Special Delivery Fee	
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Restricted Delivery Fee	
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Return Receipt showing to whom and Date Delivered	
--	--

Return Receipt showing to whom, Date, and Address of Delivery	
--	--

TOTAL Postage and Fees	\$
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Postmark or Date <i>12-19-89</i> <i>Metro-Container</i> <i>Susan Hodges</i>

PS Form 3800, June 1985

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of the return address.

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6. Save this receipt and present it if you make inquiry.

LAW OFFICES OF
SAUL, EWING, REMICK & SAUL

3800 CENTRE SQUARE WEST

55 VALLEY STREAM PARKWAY
SUITE 330
GREAT VALLEY CORPORATE CENTER
MALVERN PA 19355
(215) 251-5050

PLAZA 1000
SUITE 664
EVESHAM AND KRESSON ROADS
VOORHEES NJ 08043
(609) 424-0098

PHILADELPHIA PA 19102

(215) 972-7777

CABLE ADDRESS: BIDSAL
TELECOPIER (215) 972-7725
TWX 83-4798

222 DELAWARE AVENUE
P. O. BOX 1266
WILMINGTON DE 19899
(302) 654-1413

1020 19TH STREET, N.W.
SUITE 800
WASHINGTON, D. C. 20036
(202) 223-7660

TWENTY-FIRST FLOOR
237 PARK AVENUE
NEW YORK NY 10017
(212) 551-3502

ORIGINAL

DIAL DIRECT (215)

972-7171

November 15, 1989

Diane Ajl, Esquire
U.S. Environmental Protection Agency
Region III
841 Chestnut Building
Philadelphia, PA 19107

RECEIVED

NOV 17 1989

Re: Metro Container Site

**EPA, REGION III, ORC
HAZARDOUS WASTE BRANCH**

Dear Diane:

The Metro PRP group is extremely concerned about the need to prevent further contamination of the site following the departure of our contractor. As recently as October 24, Mr. Maslow expressed to Bob Page and Elise Allen of MK his intention to start something up at the site. Whether these activities will go beyond use of the office building was not clear. Additionally, EPA is aware of the sabotage which occurred on site sometime between March and late May of this year and of the appearance and disappearance of various drums. Although the incidents noted in the preceding sentence have not been tied to Mr. Maslow or anyone else, they further underscore the need to take reasonable steps to prevent undoing the benefits of the PRPs' labors.

We are taking the liberty to suggest several items for consideration, and we are willing to work with you to aid in their implementation. The first item is site surveillance. As indicated in my letter of October 19, we plan to take reasonable steps to prevent unauthorized access by completing the fencing around the "AMF" property, boarding up the process building on the main site and placing signs on both parcels. EPA will be given all keys. We believe EPA should have the Trainer police drive by the property daily and supplement this monitoring with visits by EPA personnel. These minimum steps should be taken to ensure that no hazardous substances reach the site.

Diane Ajl, Esquire
November 15, 1989

ORIGINAL

We also think EPA should obtain a permanent injunction against the current and former owners and operators to prevent further introduction of solid wastes or hazardous substances to the site. This form of relief, which may be available through the bankruptcy proceeding, is clearly authorized by RCRA § 3008 and CERCLA § 106. We are certainly willing to assist in this regard, but the tools available to EPA far exceed those which we can muster. See New York v. Shore Realty Corp., 759 F.2d 1032, 1049-1050 (2d Cir. 1985).

We believe EPA should be concerned that future use of this site does not result in a return to its former condition. We suggest that should such an event occur, the press, the public and all branches of government from the local borough to the Congress would be highly critical of both your Agency and our PRP group. We believe this matter to be of the highest priority since without EPA's active opposition there seems little reason to believe the former operator will not make good his alleged statement regarding future reuse of the premises, especially since we have reason to believe that the lien holder is reluctant to foreclose.

Please contact me after you have had an opportunity to discuss this subject with appropriate personnel. Your consideration of this request is appreciated.

Sincerely,



Carl B. Everett

CBE/mml

cc: PRP Group
Patricia Casano (Dept. of Justice)
William Early (EPA - Region III)

LAW OFFICES OF
SAUL, EWING, REMICK & SAUL

3800 CENTRE SQUARE WEST

55 VALLEY STREAM PARKWAY
SUITE 330
GREAT VALLEY CORPORATE CENTER
MALVERN PA 19355
(215) 251-5050

PLAZA 1000
SUITE 664
EVESHAM AND KRESSON ROADS
VOORHEES NJ 08043
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PHILADELPHIA PA 19102

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TWX 83-4798

222 DELAWARE AVENUE
P. O. BOX 1266
WILMINGTON DE 19899
(302) 654-1413

1020 19TH STREET, N. W.
SUITE 800
WASHINGTON, D. C. 20036
(202) 223-7660

TWENTY-FIRST FLOOR
237 PARK AVENUE
NEW YORK NY 10017
(212) 551-3502

ORIGINAL

DIAL DIRECT (215)

972-7171

November 1, 1989

Mr. Michael Danna
National Corporate Disposal
560 Hudson Street
Hackensack, NJ 07601

Re: Metro Container

Dear Mr. Danna:

Please be advised that the rolloff containers will be available for your retrieval upon completion of the removal action, which is expected to occur on November 17, 1989. Please make arrangements through Bob Page of MK-Ferguson at (215) 485-8751 to schedule your visit. We have asked MK to require you to produce some proof of ownership before allowing the removal of the items. I trust this requirement will not prove burdensome.

Please give me a call if you have any questions in this regard.

Sincerely,


Carl B. Everett

CBE/mml

cc: Metro PRP Group
✓ Diane Ajl, Esquire, EPA
Baldo M. Carnecchia, Esquire
Robert Page, MK-Ferguson